

REMARKS

I. Amendments

A. Claim 1 has been amended to clarify the scope of the claimed invention.

The original phrase “the capability of expressing” has been deleted and replaced by the affirmative phrase “which can be induced to express”.

The cells of the claimed cell culture retain CYP1A1, CYP1A2 and CYP3A enzyme activity, but may not necessarily be in the enzymatically active state at all times. The original phrase “the capability of expressing” was intended to convey the scope limitation that the cells of the claimed invention were able to express the genes encoding for CYP1A1, CYP1A2 and CYP3A when the cells were subjected to the proper conditions to induce said expression such that the cells demonstrated CYP1A1, CYP1A2 and CYP3A enzyme activity.

One of ordinary skill in the art would know that the cells of the claimed invention could be in an un-challenged state, i.e. where the cells are being cultured for proliferation purposes, rather than metabolic or assay purposes, and thus may not be at that instant of time demonstrating CYP1A1, CYP1A2 and CYP3A enzyme activity, but if properly induced will then express such enzyme activity from genes encoding for the CYP1A1, CYP1A2 and CYP3A enzyme.

The substituted phrase “which can be induced to express” clarifies the scope and intent of this limitation.

Support for the amendment is found in the specification as filed, and in particular, can be found in Example 4 (Page 24 line 31 – page 25 line 25): “Example 4: Induction of expression of cytochrome P450 gene”.

Other support is also found in the general discussions, as in for example on Page 9, lines 10-12:

“In addition, a large number of xenobiotic-metabolizing enzymes are known to be induced under particular conditions. Well-known examples of this induction include the effects of ...”

B. Claim 2 has been amended to clarify the dependent nature of the claim.

II. Claim Objections

Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form.

Applicants believe this objection has been overcome by amendment to Claim 2.

Claim 5 is objected to as being dependent on a rejected base claim.

Applicants believe Claim 1 as amended is allowable, and thus this objection moot.

III. Claim Rejections under 35 U.S.C. §102(b)

Applicants believe that the amendment of Claim 2 has overcome this rejection.

The meaning of the term “capability” in the context of the entire phrase has been explained above, and is clarified by the substitution of the phrase “which can be induced to express”.

The cited art does not teach an immortalized human liver cell culture which retains CYP1A1, CYP1A2 and CYP3A enzyme activity, or which can be induced to express genes for CYP1A1, CYP1A2 and CYP3A enzyme.

Since the cited art does specifically not disclose all of the claimed features of the claimed invention this rejection must be withdrawn.

IV. Conclusion

Reconsideration of the claims as amended in view of the traverse made above is solicited. Early allowance of the claims is requested. Should the Examiner believe that a conference with applicants' attorney would advance prosecution of this application, she is respectfully invited to call applicants' attorney at the number below.

In the event that the traverse is deemed not to overcome the Examiner's rejection, entry of the amendments is requested for purpose of Appeal.

A Notice of Appeal is being filed concurrently herewith, along with the Petition for Extension of Time to Reply.

Respectfully submitted,

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